

Message Text

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FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 9206

UNCLAS SANTO DOMINGO 6162

E.O. 11652: N/A
TAGS: ETRD, DR
SUBJ: PROPOSED REVISION OF THE CUSTOMS REGULATIONS RELATING TO
COUNTERVAILING DUTIES

REF: (A) STATE 272749, (B) STATE A-4853

1. EMBASSY RECEIVED A DIPLOMATIC NOTE FORM SECRETARIAT
OF STATE FOR FOREIGN RELATIONS, DATED DECEMBER 14, 1976,
WITH THE GODR'S COMMENTS REGARDING THE PROPOSED REVISIONS.
THE COMMENTS AND CONCLUSIONS ARE THOSE OF THE GODR'S DOMINICAN
CENTER FOR EXPORT PROMOTION (CEDOPEX). THE PERTINENT COMMENTS
ARE AS FOLLOWS:

2. QUOTE...THE SUGGESTED AMENDMENT TO THE CHAPTER ON
COUNTERVAILING DUTIES IN THE CUSTOMS REGULATIONS OF THE
UNITED STATES MAKES THEIR APPLICATION PROCESS SOMEWHAT
MORE COMPLEX. THIS IS DUE TO THE FACT THAT SUCH
REVISION IS BASED ON THE MODIFICATIONS TO SECTION 303 OF THE
1930 LAW ON TARIFFS, INTRODUCED BY THE 1974 LAW ON
TRADE.

3. QUOTE IN BOTH CASES THERE IS A CONTRADICTION WITH THE
GATT LEGISLATION ON THE SUBJECT. THE GENERAL AGREEMENT
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REQUIRES, AS A PREREQUISITE IN THE APPLICATION OF
COUNTERVAILING DUTIES, A DETERMINATION OF SERIOUS
HARM OR THREAT THEROF TO A NATIONAL INDUSTRY. THIS IS
CONTEMPLATED IN THE AMERICAN REGULATIONS ONLY IN
THE CASE OF PRODUCTS INCLUDED IN THE GENERAL SYSTEM OF
PREFERENCES (GSP).

4. QUOTE IN THE CASE OF UNDERDEVELOPED COUNTRIES, THE GENERAL AGREEMENT, IN ITS SECTION IV, POINTS OUT THAT THE APPLICATION OF SIMILAR MEASURES SHOULD BE AVOIDED, SINCE THEY MAY AFFECT THESE COUNTRIES' VITAL INTERESTS. IT RECOMMENDS THAT FIRST OF ALL, EVERY POSSIBLE TYPE OF MEASURES SHOULD BE TRIED. THIS ASPECT IS NOT CONTEMPLATED IN THE US LEGISLATION.

5. QUOTE IN SYNTHESIS, TWO PRINCIPLES OF THE GENERAL AGREEMENT ARE BEING VIOLATED AS REGARDS UNDEVELOPED COUNTRIES. THE FIRST OF THESE ELIMINATES THE VERIFICATION OF HARM IN THE ITEMS NOT INCLUDED IN THE GSP. THE SECOND REFERS TO THE FACT THAT THE USE OF CONSTRUCTIVE MECHANISMS IS NOT SPECIFIED AS A PRELIMINARY STEP TO THE IMPOSITION OF COMPENSATORY DUTIES. UNQUOTE.

6. THE FOREIGN SECRETARIAT NOTE IS IN RESPONSE TO A LETTER FROM THE COMMERCIAL ATTACHE TO THE CETOPEX DIRECTOR FOLLOWING RECEIPT OF REFERRAL B. PLEASE ADVISE ABOUT CLAIM OF OUR BEING IN VIOLATION OF GATT AND WHETHER ANY REPLY WOULD BE IN ORDER. HURWITZ

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